

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Greg Finch	Team: Squad #7	CCRB Case #: 201708620	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/10/2017 10:45 PM	Location of Incident: § 87(2)(b)	Precinct: 26	18 Mo. SOL 4/10/2019	EO SOL 4/10/2019	
Date/Time CV Reported Wed, 10/11/2017 11:40 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/17/2017 11:09 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Jose Perez	04499	935496	PBMN SU
2. POM Mark Ruppert	22425	954305	033 PCT
3. POM Christophe Arena	07633	954498	PBMN SU
4. POM Anthony Raimone	30240	954257	033 PCT
5. DT2 James Sepulveda	03405	892063	PBMN SU

Officer(s)	Allegation	Investigator Recommendation
A.POM Mark Ruppert	Abuse: Police Officer Mark Ruppert stopped the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
B.POM Christophe Arena	Abuse: Police Officer Christopher Arena stopped the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
C.POM Anthony Raimone	Abuse: Police Officer Anthony Raimone stopped the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
D.DT2 James Sepulveda	Abuse: Detective James Sepulveda stopped the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
E.POM Mark Ruppert	Abuse: Police Officer Mark Ruppert pursued the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
F.POM Christophe Arena	Abuse: Police Officer Christopher Arena pursued the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
G.POM Anthony Raimone	Abuse: Police Officer Anthony Raimone pursued the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
H.DT2 James Sepulveda	Abuse: Detective James Sepulveda pursued the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
I.POM Mark Ruppert	Force: Police Officer Mark Ruppert pointed his gun at § 87(2)(b)	§ 87(2)(b)
J.POM Mark Ruppert	Force: Police Officer Mark Ruppert used physical force against § 87(2)(b)	§ 87(2)(b)
K.POM Christophe Arena	Force: Police Officer Christopher Arena used physical force against § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
L.POM Anthony Raimone	Force: Police Officer Anthony Raimone used physical force against § 87(2)(b)	
M.POM Mark Ruppert	Discourtesy: Police Officer Mark Ruppert spoke discourteously to § 87(2)(b)	
N.POM Christophe Arena	Discourtesy: Police Officer Christopher Arena spoke discourteously to § 87(2)(b)	
O.POM Anthony Raimone	Discourtesy: Police Officer Anthony Raimone spoke discourteously to § 87(2)(b)	
P.DT2 James Sepulveda	Discourtesy: Detective James Sepulveda spoke discourteously to § 87(2)(b)	
Q.SGT Jose Perez	Abuse: Sergeant Jose Perez failed to secure medical treatment for § 87(2)(b)	
R.POM Mark Ruppert	Abuse: Police Officer Mark Ruppert failed to secure medical treatment for § 87(2)(b)	
S.POM Christophe Arena	Abuse: Police Officer Christopher Arena failed to secure medical treatment for § 87(2)(b)	
T.POM Anthony Raimone	Abuse: Police Officer Anthony Raimone failed to secure medical treatment for § 87(2)(b)	
U.DT2 James Sepulveda	Abuse: Detective James Sepulveda failed to secure medical treatment for § 87(2)(b)	

Case Summary

On October 11, 2017, Captain Mark Turner of the 25th Precinct called the IAB Command Center to report this incident. On October 17, 2017, the CCRB received the case.

On December 14, 2017, an Executive Director Critical Incident Report (EDCIR) was generated in regards to this incident (Board Review 01; Board Review 02). § 87(2)(b)

On October 10, 2017, at approximately 10:45 p.m., on northbound Harlem River Drive near West 155th Street, Police Officer Mark Ruppert, Police Officer Christopher Arena, Police Officer Anthony Raimone and Detective James Sepulveda, all assigned to Patrol Borough Manhattan North Specialized Units Anti-Crime, attempted to stop § 87(2)(b)'s vehicle (**Allegation A – Abuse of Authority:** § 87(2)(g) **Allegation B – Abuse of Authority:** § 87(2)(g) **Allegation C – Abuse of Authority:** § 87(2)(g) **Allegation D – Abuse of Authority:** § 87(2)(g)). The officers pursued § 87(2)(b)'s vehicle across the George Washington Bridge to § 87(2)(b) eight miles from the NY/NJ border (**Allegation E – Abuse of Authority:** § 87(2)(g) **Allegation F – Abuse of Authority:** § 87(2)(g) **Allegation G – Abuse of Authority:** § 87(2)(g) **Allegation H – Abuse of Authority:** § 87(2)(g) PO Ruppert pointed his weapon at § 87(2)(b) (**Allegation I – Force:** § 87(2)(g) PO Ruppert, PO Arena and PO Raimone allegedly used physical force against § 87(2)(b) (**Allegation J – Force:** § 87(2)(g) **Allegation K – Force:** § 87(2)(g) **Allegation L – Force:** § 87(2)(g)). PO Ruppert, PO Arena, PO Raimone and Det. Sepulveda allegedly spoke discourteously to § 87(2)(b) (**Allegation M – Discourtesy:** § 87(2)(g) **Allegation N – Discourtesy:** § 87(2)(g) **Allegation O – Discourtesy:** § 87(2)(g) **Allegation P – Discourtesy:** § 87(2)(g)). The officers' supervisor, Sergeant Jose Perez, responded to the scene in Englewood, where § 87(2)(b) was handcuffed. Sgt. Perez, PO Ruppert, PO Arena, PO Raimone and Det. Sepulveda failed to secure medical treatment for § 87(2)(b) (**Allegation Q – Abuse of Authority:** § 87(2)(g) **Allegation R – Abuse of Authority:** § 87(2)(g) **Allegation S – Abuse of Authority:** § 87(2)(g) **Allegation T – Abuse of Authority:** § 87(2)(g) **Allegation U – Abuse of Authority:** § 87(2)(g)).

§ 87(2)(b) and PO Ruppert both received medical attention at § 87(2)(b) Hospital for injuries sustained during this incident (Board Review 03). PO Ruppert was diagnosed with a fractured right hand and went LOD for two weeks. § 87(2)(b) was diagnosed with multiple skull fractures and complicated ear laceration with cartilage involvement, which was treated with plastic surgery to suture his left ear.

Patrol Borough Manhattan North Investigations investigated and closed #157-2018 regarding this incident (Board Review 04). Sgt. Perez, PO Arena, PO Ruppert, Det. Sepulveda were substantiated for 1) Failure to go over the radio that the officers were conducting a vehicle pursuit into New Jersey and 2) Failure to notify for a sick/injured prisoner in custody (Board Review 05). All other allegations, including the force/FADO allegations, were closed as "Information & Intelligence." The NYPD penalty was "warned and admonished."

§ 87(2)(b), § 87(2)(a) 160.50

Video surveillance footage from 257 Waldo Place in Englewood, New Jersey partially captured this incident (Board Review 07).

Findings and Recommendations

Allegation A — Abuse of Authority: Police Officer Mark Ruppert stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation B — Abuse of Authority: Police Officer Christopher Arena stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation C — Abuse of Authority: Police Officer Anthony Raimone stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation D — Abuse of Authority: Detective James Sepulveda stopped the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) denied speeding or driving with his headlights or taillights off in Manhattan (Board Review 08). § 87(2)(b) said that as he drove on the northbound FDR towards the George Washington Bridge, he noticed an unmarked, black, four-door Ford behind him—with one car in between them—without its turret lights on. Just as § 87(2)(b) entered the lower level of the George Washington Bridge to cross into New Jersey, however, the unmarked Ford's turret lights were activated, but § 87(2)(b) believed that the unmarked Ford was attempting to pull over the vehicle directly behind him. § 87(2)(b) continued driving across the bridge and into New Jersey. § 87(2)(b) said that at no point did an officer go over the bullhorn and command him to “Pull over.”

PO Ruppert said that the officers observed § 87(2)(b)'s gray Ford vehicle with New Jersey license plates travelling with no headlights northbound on the FDR Drive (Board Review 09). The officers collectively made the decision to stop § 87(2)(b)'s vehicle, and activated the RMP's emergency lights and sirens behind § 87(2)(b)'s vehicle. PO Ruppert did not recall if Det. Sepulveda went over the RMP bullhorn to command § 87(2)(b) to pull over. The vehicle “took off” at a high rate of speed northbound on FDR Drive, and the unmarked RMP followed. PO Ruppert could not estimate § 87(2)(b)'s top speed at this time, but said that it was above 25 mph, which is the New York City speed limit. PO Ruppert could not see the driver's face, but could see that the driver was looking in his rearview mirror during the vehicle pursuit. During the vehicle pursuit, an officer ran the vehicle's license plates, which returned an address of § 87(2)(b) in Englewood, New Jersey.

PO Arena's testimony was consistent with PO Ruppert's (Board Review 10). PO Arena added that § 87(2)(b) drove with no taillights. PO Raimone could not be interviewed because he resigned from the NYPD in May 2018. Det. Sepulveda could not be interviewed because he retired from the NYPD in January 2019.

§ 87(2)(b), § 87(2)(g)

Allegation E — Abuse of Authority: Police Officer Mark Ruppert pursued the vehicle in which § 87(2)(b) was an occupant.

Allegation F — Abuse of Authority: Police Officer Christopher Arena pursued the vehicle in which § 87(2)(b) was an occupant.

Allegation G — Abuse of Authority: Police Officer Anthony Raimone pursued the vehicle in which § 87(2)(b) was an occupant.

Allegation H — Abuse of Authority: Detective James Sepulveda pursued the vehicle in which § 87(2)(b) was an occupant.

Video surveillance footage from 257 Waldo Place in Englewood, New Jersey partially captures the conclusion of the vehicle pursuit and shows § 87(2)(b) exit his vehicle as PO Ruppert, PO Arena and PO Raimone exit the unmarked RMP and chase him on foot (Board Review 07).

It is undisputed that PO Ruppert, PO Arena, PO Raimone and Det. Sepulveda pursued § 87(2)(b)'s vehicle over the George Washington Bridge to Englewood, New Jersey, eight miles over the state border. It is undisputed that no notification was made to dispatch about this vehicle pursuit and no officer notified Sgt. Perez, their supervisor, about the vehicle pursuit in progress. It is undisputed that no notification was made to any New Jersey Police Department during or after this incident, including the Englewood Police Department (Board Review 23).

§ 87(2)(b) said that as he drove on the northbound FDR towards the George Washington Bridge, he noticed an unmarked, black, four-door Ford behind him—without its turret lights on. Just as § 87(2)(b) entered the lower level of the George Washington Bridge to cross into New Jersey, however, the unmarked Ford's turret lights were activated, but § 87(2)(b) believed that the unmarked Ford was attempting to pull over the vehicle directly behind him. § 87(2)(b) continued driving across the bridge and into New Jersey. At no point did an officer go over the bullhorn and command him to "Pull over." At no point while § 87(2)(b) was driving, did he ever throw any object, let alone a brown bag, out of the window. There was bumper-to-bumper traffic on the George Washington Bridge and it would have been impossible for § 87(2)(b) to speed. § 87(2)(b) denied driving with his headlights or taillights off in Manhattan and New Jersey. § 87(2)(b) observed the unmarked car follow him with no lights or sirens from the George Washington Bridge. § 87(2)(b) denied speeding in New Jersey and he followed all traffic laws.

PO Ruppert said that as § 87(2)(b)'s vehicle approached the lower level of the George Washington Bridge, the officers observed § 87(2)(b) throw a black plastic bag out of the driver side window of the vehicle. Because the bag was thrown out of the window, PO Ruppert suspected that the bag contained contraband, specifically that it was a gun or drugs. When asked why he believed the bag contained a gun or drugs, PO Ruppert said, "Just based on it was a deliberate thing, he specifically lowered his window and threw that out the window, not like he was throwing all kinds of other stuff, it was cold out, he was driving with his windows up, he specifically lowered his window to throw that out." The officers collectively decided to continue the vehicle pursuit into New Jersey. When asked what the threshold was to continue a vehicle pursuit across state lines, PO Ruppert said, "If we were following a person who committed a felony." On the lower level of the George Washington Bridge, § 87(2)(b) drove aggressively and took evasive maneuvers, cutting in and out of traffic and in between lanes, and cutting off multiple vehicles, forcing other drivers to slam on their brakes to avoid a collision. The officers turned off the unmarked RMP's lights and sirens on the George Washington Bridge for public

safety. PO Ruppert had never previously travelled to New Jersey before while on-duty. In New Jersey, the officers observed § 87(2)(b) disobey numerous traffic control devices and road markings and drive through multiple red lights. § 87(2)(b)'s vehicle interfered with at least a dozen vehicles, but no accidents resulted from this vehicle pursuit. No officer later spoke to any of these motorists. § 87(2)(b) drove over 75mph, and the unmarked RMP also drove at a top speed of 75mph in New Jersey. The officers followed § 87(2)(b) at a safe distance, keeping § 87(2)(b)'s vehicle taillights in view and hoping that § 87(2)(b) would eventually stop the vehicle.

PO Arena's testimony was largely consistent with PO Ruppert's. PO Arena added that the black bag could have fallen underneath the bridge and that he did not see where it landed. PO Arena said that throwing a bag out of the driver side window "is usually indicative of a firearm, or narcotics, just because of the way its packaged, they tend to be transported in that manner." PO Arena equally suspected that the discarded black bag contained a firearm or narcotics, explaining that from his "personal experience, its usually one or the other." PO Arena at first said that he could not describe the shape of the object inside the bag, but then later said that it "had a round oval shape." PO Arena noted that "the way it dropped, it dropped very quickly, when it came out the window." The fact that the bag was discarded at the base of a bridge did not raise PO Arena's suspicion that the bag contained a weapon or narcotics. That § 87(2)(b) tried to evade the officers during a vehicle pursuit, however, did raise his suspicions that § 87(2)(b) had discarded a gun or narcotics. When this vehicle pursuit reached the lower level of the George Washington Bridge, § 87(2)(b)'s car and the black Impala reached bumper-to-bumper traffic. § 87(2)(b) cut multiple cars off and drove on the curbs along the lower level of the bridge. The officers' car followed § 87(2)(b)'s vehicle "a car length away" throughout this pursuit across the lower level of the bridge. PO Arena did not recall if another car came between the officers' car and § 87(2)(b)'s car. When asked why the cars' lights were turned off, PO Arena explained, "One, we didn't want to pursue him and cause more of a hazardous condition. Secondly, as we were going through the town of Englewood, we were not familiar with that area, he's blowing through red lights, no cares in the world, I know for a fact that he was familiar with that area, we're not." This was PO Arena's first vehicle pursuit that went across the New York State border. When asked what threshold officers needed to meet to pursue a vehicle across state lines, PO Arena explained, "That car, that we were attempting to pull over, we already had three felonies before he even left the state – reckless driving, reckless endangerment, tampering with evidence, evading police. Those are all felonies right there. That's hot pursuit." When asked if there was any discussion amongst the officers in the car about pursuing § 87(2)(b) into New Jersey, PO Arena said, "No, I think, it was just an understanding that we knew that situation, and we knew this is a felony situation." In New Jersey, § 87(2)(b) was speeding through red lights, losing control of his vehicle and swerving due to his speed and erratic driving.

Sgt. Perez said that he first learned about the vehicle pursuit after the officers had already stopped and handcuffed § 87(2)(b) in Englewood, New Jersey (Board Review 11).

NYPD Patrol Guide Procedure 221-15 has specific procedure addressing pursuits of suspects fleeing in vehicles (Board Review 14). Department policy requires that the pursuit of a suspect in a fleeing vehicle by officers be terminated whenever the risks to uniformed members of the service and the public outweigh the danger to the community if the suspect is not immediately apprehended. Factors to consider include the nature of the offense, the time of day, the weather condition, the location and population density, the capability of the department vehicle and the familiarity with the area. A notification must be made to radio dispatch at the start

of the pursuit to provide relevant information, and contact must be maintained with the radio dispatcher. A request must be made by the Patrol Supervisor to other units to respond to strategic locations to apprehend the vehicle.

Allegation I — Force: Police Officer Mark Ruppert pointed his gun at § 87(2)(b)

Allegation K — Force: Police Officer Christopher Arena used physical force against § 87(2)

It is undisputed that in front of § 87(2)(b) in Englewood, New Jersey, the vehicle pursuit came to a stop when § 87(2)(b) stopped and exited his car. It is undisputed that PO Ruppert pointed his gun at § 87(2)(b) as § 87(2)(b) was face-down on the ground. It is also undisputed that PO Ruppert and PO Arena used physical force against § 87(2)(b) before he was handcuffed.

out to either side. PO Ruppert, PO Arena and PO Raimone yelled, “Freeze!” at § 87(2)(b). The officers did not issue any other orders to § 87(2)(b). PO Ruppert, PO Arena and PO Raimone punched and kicked § 87(2)(b) in his face and head as he tried to shield his face with his hands. § 87(2)(b) did not take any actions with his body beyond shielding his face with his hands, and denied fighting or resisting the officers. § 87(2)(b) estimated that the officers punched and kicked him approximately 100 times, and that he was kicked and punched specifically in the head approximately 25 times. The officers repeatedly kicked and punched § 87(2)(b) in his ribs and back, as well. § 87(2)(b) gave his hands to the officers while they continued punching and kicking him. PO Ruppert grabbed § 87(2)(b)’s left arm and continued punching and kicking him. § 87(2)(b). The officers told § 87(2)(b) to let them handcuff him, and he responded that they “could have handcuffed him the whole time.” A lot of blood was coming from § 87(2)(b)’s left ear, which was “hanging off” as it was partially severed at its midpoint. § 87(2)(b) could not attribute a specific punch or kick to his ear being severed. § 87(2)(b)’s left ear did not scrape against the ground. As discussed in **Allegations Q, R, S, T and U**, § 87(2)(b) was transported to the 26th Precinct and did not receive medical attention for over four hours. At § 87(2)(b) Hospital, a doctor told § 87(2)(b) that he would need reconstructive surgery on his partially severed ear, and his ear was stitched. § 87(2)(b) later learned that, in addition to the partially severed left ear, he also suffered two skull fractures—one vertical fracture down the side of his head directly in front of his left ear, and the other one immediately behind his left ear. § 87(2)(b) sustained unspecified injuries to discs in his back, and continues to receive physical therapy for his back injuries. To this day, § 87(2)(b) still has occasional trouble hearing as a result of the injuries and attends physical therapy for his back injuries.

According to § 87(2)(b)’s mother-in-law who partially witnessed the incident), § 87(2)(b) was lodged into the back of the unmarked RMP rearcuffed (Board Review 25). § 87(2)(b) could not see the left side of § 87(2)(b)’s head, and it was very dark out.

According to § 87(2)(b) (a neighbor across the street), woke up after hearing a commotion outside and saw that multiple cars had been struck by a vehicle in the street (Board Review 26). § 87(2)(b) exited his car and ran 15 feet from his vehicle towards an empty lot. 6-8 male plainclothes officers were on scene, quiet and did not issue § 87(2)(b) any commands. Two officers took § 87(2)(b) to the ground in the empty lot, rear-handcuffed him and stood him up. § 87(2)(b) was uninjured, and was not bleeding from his head. The two officers walked § 87(2)(b) to an unmarked RMP and lodged him inside. No officers struck or kicked § 87(2)(b) during this interaction. § 87(2)(b) stood 30 feet from the unmarked RMP. Other officers were searching § 87(2)(b)’s vehicle and removing items § 87(2)(b) assumed were evidence. Additional male officers arrived at the scene in unmarked grey RMPs with turret lights activated. The officers reentered the unmarked RMPs and drove away about five minutes after § 87(2)(b) exited her house.

According to medical documents, § 87(2)(b) was diagnosed with multiple skull fractures and complicated ear laceration with cartilage involvement, which was treated with plastic surgery to suture his left ear (Board Review 12). § 87(2)(b) did not allege to medical staff that was beaten, and was primarily concerned he was going through heroin withdrawal. The § 87(2)(b) Hospital summary reads as follows: “§ 87(2)(b) p/w opioid withdrawal, injury to left ear. Last used opioids 3-4 hours ago, under arrest for this per police with him. During altercation,

pt sustained injury to left ear, no LOC. Denies any other areas of complaints or symptoms at this time. States he is worried he is going to withdrawal in police custody...left ear w/ lac through cartilage of antihelix and conch,...will discuss w/ plastics for complex repair.” § 87(2)(b) has sought physical therapy for ongoing back problems for over a year since this incident (Board Review 18).

PO Ruppert said that § 87(2)(b) dove forward headfirst and fell into the woods a few yard past the woodline separating the wooded area from the sidewalk. PO Ruppert did not know if § 87(2)(b)'s fall was intentional or accidental. PO Ruppert did not recall if any officers commanded § 87(2)(b) to get to the ground. PO Ruppert described these woods as “not a clearing, very dense, pretty steep hill, a lot of garbage, broken bottles.” PO Ruppert drew and pointed his gun at § 87(2)(b). PO Raimone and PO Arena reached § 87(2)(b) and began to physically attempt to rear cuff § 87(2)(b) on the ground by pulling his arms behind his back. PO Ruppert said, “Show me your hands, show me your hands.” PO Ruppert holstered his weapon. The officers all gave § 87(2)(b) multiple commands to show his hands and to place his hands behind his back. § 87(2)(b) ignored these commands and repeatedly pulled his hands underneath his body towards his waistband, which led PO Ruppert to suspect that he was reaching for a weapon. There were no additional factors that contributed to PO Ruppert’s suspicion that § 87(2)(b) had a weapon beyond that he fled on foot from the officers and was reaching towards his waistband on the ground. PO Ruppert wrestled with § 87(2)(b) for a minute on the ground. § 87(2)(b) resisted arrest by pushing off the ground and flailing his arms and legs. § 87(2)(b) did not actually kick any of the officers. After this minute-long struggle, PO Ruppert, PO Arena and PO Raimone eventually rear cuffed § 87(2)(b). § 87(2)(b), PO Ruppert said, “I do remember him saying something about that.” § 87(2)(b) made that statement because he had “a small cut on his ear.” PO Ruppert described this cut on his ear as “a tiny laceration” that he noticed immediately after § 87(2)(b) was escorted out of the wooded area on scene. While PO Ruppert did not know what action caused this cut to § 87(2)(b)'s ear, he believed that § 87(2)(b) fell onto the glass bottles in the woods, adding “I didn’t do anything to give him a cut.” PO Ruppert denied striking or kicking § 87(2)(b) on his head or any other part of his body. PO Ruppert denied that PO Arena punched or kicked § 87(2)(b) on any part of his body. PO Ruppert was presented with the photo of § 87(2)(b) taken at § 87(2)(b) Hospital, and confirmed that § 87(2)(b) wore the same clothes earlier in the night during the arrest. PO Ruppert declined to sign a HIPAA form.

PO Arena’s statement and Sgt. Perez’s statement is largely consistent with PO Ruppert’s. PO Arena and Sgt. Perez said that § 87(2)(b) was not visibly injured on scene in New Jersey. PO Arena generated PO Ruppert’s AIDED, and PO Arena never spoke with PO Ruppert about his injury and did not know what caused it (Board Review 24). PO Arena said that when § 87(2)(b) exited the woods, there were pieces of sticks and shards of glass all over him. Sgt. Perez believed that PO Ruppert’s wrist injury was from “punching a rock.”

PO Ruppert’s AIDED (Board Review 24) narrative is “At T/P/O, while trying to apprehend perpetrator, A/O did sustain an injury to right hand causing pain and swelling while attempting to place fleeing suspect in handcuffs in wooded area. Perpetrator did resist arrest and struggle with officers on scene.”

Captain Turner’s ISAR says that the officers grabbed § 87(2)(b) and took him to the ground (Board Review 03). § 87(2)(b) resisted arrest and refused to exit his vehicle. PO

Ruppert sustained a fractured right hand and § 87(2)(b) suffered a lacerated right ear. § 87(2)(b) said that he was thrown to the ground and struck multiple times.

The TRIs (Board Review 29) have no narratives. The TRIs state that force the officers used was “handcuffing” and this force was used to overcome resistance, for a fleeing suspect, and in defense of self. The TRIs note that § 87(2)(b) suffered minor lacerations/abrasions, broken/fractured bones and lacerations requiring sutures, that these injuries were intentional and self-inflicted, and that § 87(2)(b) accepted medical aid. Attached to the TRIs is the first photo of § 87(2)(b) after the incident was taken in § 87(2)(b) Hospital, which shows § 87(2)(b)'s head almost entirely bandaged with blood on his white shirt (Board Review 08). There does not appear to be any dirt, scuffmarks, bits of glass or other signs of a struggle in a wooded area on his white shirt.

§ 87(2)(b), § 87(2)(a) 160.50

[REDACTED]

The Command Log entry for § 87(2)(b) notes under “physical/mental conditions” “laceration on ear” (Board Review 30).

Officers may draw their firearms when they have an articulable belief that the potential for serious physical injury is present, according to Patrol Guide 221-01 (Board Review 17). Force may be used when it is reasonable to place a person into custody, and any application of force must be reasonable under the circumstances. When appropriate, officers will use de-escalation techniques to reduce to eliminate the necessity to use force.

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

Allegation M — Discourtesy: Police Officer Mark Ruppert spoke discourteously to § 87(2)(b), § 87(2)(g)

Allegation N — Discourtesy: Police Officer Christopher Arena spoke discourteously to § 87(2)(b), § 87(2)(g)

Allegation O — Discourtesy: Police Officer Anthony Raimone spoke discourteously to § 87(2)(b), § 87(2)(g)

Allegation P — Discourtesy: Detective James Sepulveda spoke discourteously to § 87(2)(b), § 87(2)(g)

[REDACTED] said that on scene, at some point after he was handcuffed, an officer said to him, “Why the fuck you was running if you didn’t have shit?”

PO Ruppert denied saying, “Why the fuck you was running if you didn’t have shit?” or using any profanity with § 87(2)(b)

PO Arena’s and Sgt. Perez’s statements are consistent with PO Ruppert’s statement.

§ 87(2)(b), § 87(2)(g)

[REDACTED]

Allegation Q — Abuse of Authority: Sergeant Jose Perez failed to secure medical treatment for § 87(2)(b)

Allegation R — Abuse of Authority: Police Officer Mark Ruppert failed to secure medical treatment t for § 87(2)(b)

Allegation S — Abuse of Authority: Police Officer Christopher Arena failed to secure medical treatment for § 87(2)(b)

Allegation T — Abuse of Authority: Police Officer Anthony Raimone failed to secure medical treatment for § 87(2)(b)

Allegation U — Abuse of Authority: Detective James Sepulveda failed to secure medical treatment for § 87(2)(b)

It is undisputed that no officer made a notification of a sick or injured prisoner in custody for over four hours after § 87(2)(b) sustained his injuries and was placed in custody, as noted by Captain Turner in the generated ISAR (Board Review 03).

As discussed in **Allegations I, J, K and L**, § 87(2)(b) sustained multiple skull fractures and a complicated laceration with cartilage involvement to his left ear in Englewood, New Jersey. Blood was visible on § 87(2)(b)'s white shirt (Board Review 08).

§ 87(2)(b) said in the 26th Precinct holding cells, he was partially covered in blood and his left ear partially severed and “hanging off” for approximately between 30 and 120 minutes. Due to his ear injury, § 87(2)(b) had some trouble hearing out of his left ear. § 87(2)(b)'s ear was not bandaged in any way until he was treated at § 87(2)(b) Hospital, where his ear received stitches. To this day, § 87(2)(b) still has occasional trouble hearing as a result of the injuries and attends physical therapy for his back. § 87(2)(b)'s back injuries are such that he is almost completely incapable of riding a bike.

According to medical records, § 87(2)(b) arrived at § 87(2)(b) Hospital at § 87(2)(b) . on § 87(2)(b)

Although Sgt. Perez and PO Arena said that they did not see any visible injury to § 87(2)(b) in Englewood, New Jersey, PO Ruppert said that the laceration to § 87(2)(b)'s left ear was visible. Sgt. Perez said at the stationhouse, he observed § 87(2)(b) withdrawing from heroin in the holding cells and requested that § 87(2)(b) be transported to the hospital, after which he learned that medical staff diagnosed § 87(2)(b) with the ear laceration and skull fractures. Sgt. Perez instructed officers to drive § 87(2)(b) to the hospital in an RMP, and did not call for EMS to respond to the stationhouse.

According to PO Raimone's arrest report, § 87(2)(b) was taken into custody at 10:45 p.m. on October 10, 2017.

The Command Log entry for § 87(2)(b) notes under “physical/mental conditions” “laceration on ear” (Board Review 30).

Officers need to obtain medical treatment for a prisoner in custody when he or she requires medical treatment. NYPD Patrol Guide, Section 210-04 (Board Review 15). Officers are to ensure that prisoners who appear ill or injured obtain appropriate medical treatment. NYPD Patrol Guide, Section 208-03 (Board Review 16). Failure to request or to ensure timely medical treatment for an individual is serious misconduct that may result in criminal and civil liability and will result in Departmental Discipline, up to and including dismissal. NYPD Patrol Guide, Section 221-02

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Potential Issues

The investigation was unable to obtain a statement from PO Raimone, who resigned from the NYPD in May 2018. PO Raimone was tentatively appointed to the Orangetown Police Department in January 2018 (three months after this incident), and officially appointed in April 2018 (Board Review 22). The investigation was also unable to obtain a statement from Det. Sepulveda, who retired in January 2019 shortly after his CCRB interview was scheduled for this case. Captain Mark Turner, who reported this complaint and generated the ISAR, also left service in 2018 (Board Review 21).

PO Ruppert declined to sign a HIPAA in order to allow the investigation to obtain medical records regarding his wrist injury.

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Ruppert has been a member of service for six years has been a subject in one CCRB complaints and one allegation, which was not substantiated.
 - Case #201702828 involved a vehicle stop allegation. The case was closed as complainant uncooperative.
- PO Arena has been a member of service for five years has been a subject in one CCRB complaints and one allegation, which was not substantiated.
 - Case #201605704 involved a physical force allegation. The Board closed the case as exonerated.
- PO Raimone was been a member of service for four years and has been a subject in three CCRB complaints and four allegations, none of which were substantiated.
 - Case #201600669 involved a vehicle stop allegation. The case was closed as alleged victim unavailable.
 - Case #201709340 involved a retaliatory summons and search allegations. The case was closed as complainant uncooperative.

- Det. Sepulveda had been a member of service for 32 years and has been a subject in 14 CCRB complaints and 43 allegations.
 - Case #200809710 involved refusal of name and shield number, discourtesy – word, frisk and search allegations. The Board closed the case as substantiated and recommended charges. The NYPD penalty imposed was Command Discipline B.

Mediation, Civil and Criminal Histories

- This case was ineligible for mediation.
- § 87(2)(b) filed a Notice of Claim with the NYC Comptroller’s Office. The 50-H hearing was conducted on § 87(2)(b) Board Review 19).
- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)

Squad No.: _____

Investigator: _____

Signature _____ Print Title & Name _____ Date _____

Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature _____ Print Title & Name _____ Date _____